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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,538	03/01/2002	Sanna Jauk	297-010817-US(PAR)	2256

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER

CHO, UN C

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,538

Applicant(s)

JAUk ET AL.

Examiner

Un C. Cho

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/18/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 1 – 12 are objected to because of the following informalities:

Regarding claim 1, the language of the claim is non standard and awkward. The claim is not written to recite positive and active steps. For example, --establishing-- instead of "a connection is established". See 37 CFR 1.75 and MPEP 608.01(i)-(p).

Regarding claims 2 – 12, the claims are interpreted and objected for the same reason as set forth in claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 – 4, 11 – 13, 18, 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. Regarding claims 1 – 4, 11 – 13, 18, 26 and 27, the phrase "and/or" is unclear and does not positively identify the claimed invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 5, 6, 9 – 13, 16 – 18, 20 and 22 – 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Komiyama (US 6,690,955 B1).

Regarding claim 1, Komiyama discloses a method for displaying to the user of a mobile station an effect stimulating visual, auditory or tactile sense, in which method (see Abstract): a) a connection is established between a first mobile station and a second mobile station, and b) speech data or message data representing a first effect stimulating auditory or visual sense is transferred via the connection established (calling signal is received from the radio section then caller's name or a phone number is displayed on the LCD panel; Komiyama: Col. 4, lines 1 – 8); wherein: c) data compiled from sounds memory, vibration effects memory, flash patterns memory and/or graphic objects memory for producing a second effect stimulating visual, auditory or tactile sense is transferred and/or

activated by the same connection established (Komiyama: Col. 6, lines 37 – 50), d) the first effect stimulating auditory or visual sense is produced in the second mobile station, while maintaining said connection, using a first means of expression comprising at least one element selected from the group of a loudspeaker and a display (caller's name or phone number is displayed on the LCD panel), and e) the second effect stimulating visual, auditory or tactile sense is produced in the second mobile station while maintaining said connection, using a second means of expression comprising at least one element selected from the group of the loudspeaker, a sounds unit, a vibration unit, at least one light unit and the display, which is selected different from the elements of the first means of expression (while the caller's name or phone number is displayed on the LCD panel it also reads background lighting data from the caller's memory and illuminates the LCD panel accordingly; Komiyama: Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50).

Regarding claim 2, Komiyama discloses the limitation of the steps a) and b) in Col. 4, lines 1 – 8 and also discloses the step c) (whereas the flash patterns are triggered by the caller's identification; Komiyama: Col. 6, lines 37 – 50).

Regarding claim 5, Komiyama discloses a lighting effect (Komiyama: Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50).

Regarding claim 6, Komiyama discloses a graphics effect presented on the display (display caller's name or number on the LCD panel; Komiyama: Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50).

Regarding claim 9, Komiyama discloses the limitation of the step e) in Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50.

Regarding claim 10, Komiyama discloses such limitation in Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50.

Regarding claim 11, Komiyama discloses such limitation in Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50.

Regarding claim 12, Komiyama discloses such limitation in Col. 3, lines 50 – 59; Col. 4, lines 32 – 41 and Col. 6, lines 37 – 50.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 16, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 17, Komiyama discloses a display (Fig. 2, 2), a display controller (Fig. 2, 8) and a graphic objects memory (Fig. 2, 12) for controlling visual effects (Komiyama: Col. 3, lines 50 – 67).

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 20, Komiyama discloses transmitting effects to be presented on a second mobile station (caller's name or number triggers the effects; Komiyama: Col. 6, lines 37 – 50)

Regarding claims 22 and 27, the claims are interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 24, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 25, the claim is interpreted and rejected for the same reason as set forth in claim 12.

Regarding claim 26, Komiyama discloses the step c) (whereas the flash patters are triggered by the caller's identification; Komiyama: Col. 6, lines 37 – 50).

Regarding claim 28, Komiyama discloses wherein said established connection is a voice call (Komiyama: Col. 4, lines 1 – 8).

Regarding claim 29, the claim is interpreted and rejected for the same reason as set forth in claim 28.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 4, 8, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiyama in view of Terada (US 6,429,366 B1).

Regarding claim 3, Komiyama as applied above does not specifically disclose a text message connection is established between the first mobile station and the second mobile station, and in steps b) and c) data compiled from sounds memory, vibration effects memory, flash patterns memory and/or graphic objects memory forming a first and a second effect stimulating visual auditory or tactile sense is transmitted in a text message. In an analogous art, Terada remedies the deficiencies of Komiyama by disclosing such limitation in Col. 1, lines 15 – 30; and Col. 1, line 55 through Col. 34. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Terada to the system of Komiyama in order to provide a novel musical composition information that permits simultaneous execution of the performance processing based on the MIDI file and the data processing for a message display or the like.

Regarding claim 4, Komiyama in view of Terada as applied above discloses that a first and a second effect are transmitted in a MIDI file (Terada: Col. 1, line 55 through Col. 2, line 34).

Regarding claims 8 and 21, the claims are interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 4.

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10. Claims 7, 8, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiyama in view of Uriya (US 6,574,489 B1).

Regarding claim 7, Komiyama as applied above does not specifically disclose that the second effect is a vibration effect. In an analogous art, Uriya remedies the deficiencies of Komiyama by disclosing such limitation in Col. 7, line 66 through Col. 8, line 34. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Uriya to the system of Komiyama in order to provide an efficient way of inferring a caller's identity or for judging what action to take upon an incoming call.

Regarding claim 8, Komiyama in view of Uriya as applied above discloses that the second effect is a sound effect (Uriya: Col. 7, line 66 through Col. 8, line 34).

Regarding claim 14, Komiyama in view of Uriya as applied above discloses a sounds unit (speaker; Fig. 2, 141), a sounds controller (Fig. 2, 151) and a sounds memory for controlling sound effects (control unit (Fig. 2, 160) inherently having a sounds memory for controlling sound effects; Uriya: Col. 4, line 46 through Col. 5, line 12).

Regarding claim 15, Komiyama in view of Uriya as applied above discloses a vibration unit (vibrator; Fig. 2, 143), a vibrator controller (Fig. 2, 153) and a vibration effects memory for controlling vibration effects (control unit (Fig.

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2, 160) inherently having a vibration effects memory for controlling vibration effects; Uriya: Col. 4, line 46 through Col. 5, line 12).

Response to Arguments

11. Applicant's arguments with respect to claims 1 – 29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919.


The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Un C Cho
Examiner
Art Unit 2617

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GEORGE ENG
SUPERVISORY PATENT EXAMINER